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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,757	12/29/2000	Shmuel Shaffer	062891.0418	5060
5073	7590	07/24/2006	EXAMINER	
BAKER BOTTS L.L.P. 2001 ROSS AVENUE SUITE 600 DALLAS, TX 75201-2980				GAUTHIER, GERALD
		ART UNIT		PAPER NUMBER
		2614		

DATE MAILED: 07/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/751,757	SHAFFER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Gerald Gauthier	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 23 June 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1,2,4-6,8-15,17-19,21-28,30-32,34-40 and 42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,2,4-6,9-15,17-19,22-28,30-32,35-40 and 42 is/are rejected.
- 7) Claim(s) 8,21 and 34 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

## DETAILED ACTION

### ***Allowable Subject Matter***

1. Claims 8, 21, and 34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. **Claim(s) 1, 2, 6, 11-15, 19, 24-28, 32, 37-39** are rejected under 35 U.S.C. 103(a) as being unpatentable over Weisser et al (US 5,600,710), and in view of Ladd et al. (US 5,117,451).

For claims 1, 2, 12-15, 25-28, 38 and 39, Weisser discloses on column 9 lines 24-29 a caller attempts to reach (read on claimed "receiving.....a request") an "Advertise-on-Busy" subscriber.

Weisser discloses on column 9, lines 14-17 service control point (SCP) and service node. The combination the SCP and service node is the claimed "access controller".

Regarding "determining.....if the messaging is available, establishing a telecommunications connection between the user and the messaging system", Weisser discloses on column 9 lines 4-6 if the called number is not busy the call is connected.

Regarding "if the messaging system is not available.....queuing the request.....maintaining a telecommunications connection.....is queued", Weisser discloses on column 9 lines 13-41 when the called number is busy the call is queued in the SCP and the connection is maintained with the service node for playing an advertisement.

Weisser fails to disclose determining a class of service for the connection.

However, Ladd teaches determining a class of service for the connection (column 12, lines 10-24);

queueing the request based on the CoS (column 12, lines 10-24); and

wherein the CoS includes a priority associated with a called party (column 12, lines 10-24).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Weisser using the teaching of a class of service of a voicemail system as taught by Ladd.

This modification of the invention enables the system to determine a class of service for the connection so that the user would use features as subscribed for greeting and calls.

Regarding claims 6, 19 and 32, Weisser discloses the calling number must be determined at the SCP (claimed "access controller") for call connection and determining the priority (see column 8 lines 4-7).

Regarding claims 11, 24 and 37, Weisser discloses on column 11 lines 14-15 first-in-first-out basis.

Regarding claims 4,5,17,18, 30 and 31 Ladd teaches on column 12 lines 10-24 determining a CoS and routing a call based on the CoS.

It would have been obvious to one skilled at the time the invention was made to modify Weisser to have the “determining a class of service.....queuing.....CoS” as taught by Ladd such that the modified system of Weisser would be able to support the system users conveniences of determining the CoS for queuing.

Regarding claims 9, 10, 22, 23, 35 and 36 Ladd teaches on column 12 lines 10-24 priority based on type of request. The “type of request” is the CoS because different CoS is different class and is different type.

It would have been obvious to one skilled at the time the invention was made to modify Weisser to have the “the CoS.....for connection” as taught by Ladd such that the modified system of Weisser would be able to support the system users conveniences of associating a priority with the type of request.

Regarding claims 10, 23 and 36, Ladd teaches on column 11, lines 57-65 a call is forwarded by the telecommunication system (reads on claimed “internal network request”) to a voice mail service for leaving a message.

It would have been obvious to one skilled at the time the invention was made to modify Weisser to have the “the type of.....leave a message” as taught by Ladd such that the modified system of Weisser would be able to support the system users conveniences of selecting various internal network requests.

6. Claim(s) 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over Weisser in view of Ladd and further in view of Pandharipande (US 6,529,500).

The rejections for claims 1 and 2 as stated above apply.

Weisser in combination with Ladd fail to disclose authenticating the user for access.

However, Pandharipande teaches on column 1 lines 16-19 a password (reads on the claimed "authenticating") is required for accessing the voicemail.

It would have been obvious to one skilled at the time the invention was made to modify Weisser to have the authenticating the user for access as taught by Pandharipande such that the modified system of Weisser would be able to support the system users conveniences of the authentication.

7. Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over Weisser in view of Ladd and in view of Pandharipande as stated in claim 40's rejection above, and further in view of Sawyer et al (US 6,324,271).

Weisser in combination with Ladd and Pandharipande as stated in claim 40 above fail to disclose "transferring a login token.....messaging system".

However, Sawyer teaches on column 2 lines 12-16 performing authentication of a caller and then sending the authentication information (claimed "login token") to the terminating set.

It would have been obvious to one skilled at the time the invention was made to modify Weisser to have the "transferring a login token.....messaging system" as taught

by Sawyer such that the modified system would be able to support the system users conveniences of transferring a login token to the messaging system.

***Response to Arguments***

8. Applicant's arguments with respect to **claim(s) 1, 2, 4-6, 8-15, 17-19, 21-28, 30-32, 34-40 and 42** have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2614

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*Gerald Gauthier*  
GERALD GAUTHIER  
PATENT EXAMINER

Gerald Gauthier  
Examiner  
Art Unit 2614

GG  
July 17, 2006